

BEFORE THE
STATE BOARD OF PHARMACY
STATE OF MISSOURI

STATE BOARD OF PHARMACY,)	
)	
Petitioner,)	
)	
v.)	Case No. 2005-003672-F1
)	
Marion M. Kurz, R.Ph.)	
)	
Respondent.)	

FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND ORDER OF DISCIPLINE

This matter appears before the Missouri Board of Pharmacy pursuant to a Felony Conviction Complaint regarding Marion M. Kurz, R.Ph, respondent.

Findings of Fact

1. The Board set this matter for hearing and served notice of the disciplinary hearing upon Kurz.
2. Pursuant to notice and Section 621.110, RSMo, this Board held a hearing on December 12, 2007, at the Courtyard by Marriott, 3301 LeMone Industrial Boulevard, Columbia, Missouri, for the purpose of determining the appropriate disciplinary action against the pharmacist license of Kurz. Kurz did not appear in person or with counsel. The Board was represented by Assistant Attorney General Michael Cherba.
3. Board members that were present throughout the disciplinary hearing were President Gary Sobocinski, Elaina Wolzak, Pamela Marshall, Anita K. Parran, James Riddle, Barbara Bilek, and Melissa Graham. All members participated in the decision of the Board that is reflected in this order.
4. The Missouri Board of Pharmacy ("Board") is an agency of the state of Missouri created and established pursuant to Section 338.110, RSMo 2004, for the purpose of executing and enforcing the provisions of Chapter 338, RSMo.

5. Kurz was licensed by the Board, License No. 026813, which license was current and active prior to October 31, 2006.

6. On or about January 25, 2007, Kurz was found guilty of one count of second degree assault, a Class C felony in violation of Section 565.060.1(4), RSMo; in the Circuit Court of Greene County, Missouri. The Board heard testimony from the arresting officer that described the intoxicated condition of respondent at the time of respondent's arrest.

7. Pursuant to 338.065, RSMo, the Missouri Board of Pharmacy set this matter for hearing and served notice of a disciplinary hearing upon respondent in a proper and timely fashion.

8. The Board finds that the crime to which Kurz was found guilty in a criminal case is an offense reasonably related to the qualifications, functions or duties of a pharmacist and that this felony offense has an essential element of which is an act of violence or involves moral turpitude.

Conclusions of Law

9. This Board has jurisdiction over this proceeding pursuant to 338.065, RSMo.

10. Respondent's license is subject to discipline by this Board pursuant to 338.065, RSMo.

11. Upon examination of the evidence presented, the Missouri Board of Pharmacy concludes that Kurz was found guilty in a criminal case to an offense reasonably related to the qualifications, functions or duties of a pharmacist and that this felony offense has an essential element of which is an act of violence or involves moral turpitude.

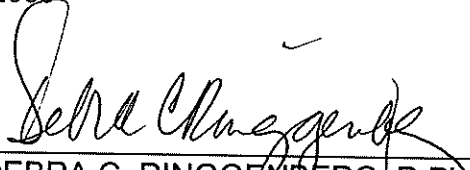
Disciplinary Order

THEREFORE, having considered all of the evidence before the Board, it is the ORDER of the Missouri Board of Pharmacy that the pharmacist license issued to respondent, numbered 026813, be REVOKED. Respondent shall return all indicia of licensure, i.e., the original wall-hanging certificate, the computer generated 5" x 7" license, and the wallet card, to the Board office. Mr. Kurz may not apply for

reinstatement of his license for five (5) years after the effective date of this Order, as provided in Section 338.067 RSMo. This Order shall become effective ten (10) days from the date it is entered. This document shall be maintained by the Board of Pharmacy as an open and public record of the Board as provided in Chapters 338, 610, 620, RSMo.

ENTERED THIS 29th DAY OF JANUARY, 2008

(BOARD SEAL)



DEBRA C. RINGGENBERG, R.Ph.
EXECUTIVE DIRECTOR
MISSOURI BOARD OF PHARMACY